

SENATE BILL No. 312

DIGEST OF INTRODUCED BILL

Citations Affected: IC 25-0.5; IC 25-14.7; IC 35-52-25-14.5.

Synopsis: Licensing of electrical contractors. Establishes the electrical licensing board. Requires electrical contractors to be licensed. Establishes licensing requirements for electrical contractors. Adds references to electrical licensing to the statutes that affect licensing boards.

Effective: July 1, 2016.

Niemeyer

January 7, 2016, read first time and referred to Committee on Commerce & Technology.



Second Regular Session 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

SENATE BILL No. 312

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 25-0.5-2-36 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2016]: **Sec. 36. IC 25-1-2-2.1 applies to licenses held by electrical**
4 **contractors.**

5 SECTION 2. IC 25-0.5-3-43 IS ADDED TO THE INDIANA CODE
6 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
7 1, 2016]: **Sec. 43. IC 25-1-2-6(b) applies to the electrical licensing**
8 **board.**

9 SECTION 3. IC 25-0.5-4-34 IS ADDED TO THE INDIANA CODE
10 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
11 1, 2016]: **Sec. 34. The electrical licensing board (IC 25-14.7-3) is a**
12 **board under IC 25-1-4.**

13 SECTION 4. IC 25-0.5-7-16 IS ADDED TO THE INDIANA CODE
14 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
15 1, 2016]: **Sec. 16. The Indiana professional licensing agency shall**
16 **perform administrative functions, duties, and responsibilities for**
17 **the electrical licensing board (IC 25-14.7-3-1) under IC 25-1-6-3(a).**



SECTION 5. IC 25-0.5-8-38 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 38. An occupation for which a person is licensed, certified, or registered by the electrical licensing board (IC 25-14.7-3-1) is a regulated occupation under IC 25-1-7.**

SECTION 6. IC 25-0.5-9-38 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 38. The electrical licensing board (IC 25-14.7-3-1) is a board under IC 25-1-8.**

SECTION 7. IC 25-0.5-10-35 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 35. The electrical licensing board (IC 25-14.7-3-1) is a board under IC 25-1-8-6.**

SECTION 8. IC 25-0.5-12-16 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 16. The electrical licensing board (IC 25-14.7-3-1) is a board under IC 25-1-11.**

SECTION 9. IC 25-14.7 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:

ARTICLE 14.7. ELECTRICIANS

Chapter 1. Application

Sec. 1. (a) This article does not apply to the following:

(1) An individual who is otherwise licensed or certified under this title but outside this article and who is acting within the scope of the individual's license or certification.

(2) An individual who is a student enrolled in:

(A) an electrical apprenticeship program;

(B) an accredited postsecondary educational institution that offers at least a two (2) year program in a field related to electrical contracting or electrical engineering; or

(C) an educational program approved by the board;

while under the supervision of a licensee or qualified instructor.

(3) An individual who installs or repairs electrical wires or conductors in the individual's own home.

(b) The board may adopt rules under IC 4-22-2 to provide other exemptions from the requirements of this article.

Chapter 2. Definitions

Sec. 1. The definitions in this chapter apply throughout this article.

Sec. 2. "BAT" refers to the Bureau of Apprenticeship and



1 Training within the United States Department of Labor.

2 Sec. 3. "Board" refers to the electrical licensing board
3 established by IC 25-14.7-3-1.

4 Sec. 4. "Electrical contracting" means the business of:

- 5 (1) designing;
- 6 (2) installing;
- 7 (3) erecting;
- 8 (4) repairing; or
- 9 (5) altering;

10 electrical wires or conductors to be used for electrical light, heat,
11 power, or signaling purposes for compensation. The term includes
12 the installation or repair of ducts, raceways, or conduits for the
13 reception or protection of wires or conductors and the installation
14 or repair of electrical machinery, apparatus, or systems used for
15 electrical light, heat, power, or signaling.

16 Sec. 5. "Electrical contractor" means a person who performs
17 electrical contracting.

18 Sec. 6. "Licensee" means an individual who performs electrical
19 contracting and is licensed under this article.

20 Sec. 7. "Licensing agency" refers to the Indiana professional
21 licensing agency established by IC 25-1-5-3.

22 Sec. 8. "Person" means an individual, a corporation, a
23 partnership, an association, or another legal entity.

24 Chapter 3. Electrical Licensing Board

25 Sec. 1. The electrical licensing board is established.

26 Sec. 2. (a) The board consists of seven (7) members appointed by
27 the governor as follows:

- 28 (1) Two (2) individuals who are members of the Associated
- 29 Builders and Contractors.
- 30 (2) Two (2) individuals who are members of the Independent
- 31 Electrical Contractors Association.
- 32 (3) One (1) individual who is a member of the National
- 33 Electrical Contractors Association.
- 34 (4) One (1) individual who is a member of the Building
- 35 Industries Association.
- 36 (5) One (1) individual who does not have any association with
- 37 electrical contracting or another member's organization listed
- 38 in subdivisions (1) through (4).

39 (b) An individual appointed under subsection (a) must:

- 40 (1) beginning July 1, 2022, hold a license under this article for
- 41 at least five (5) years immediately preceding the appointment
- 42 of the individual to the board; and



(2) beginning July 1, 2017, hold a license under this article during the individual's term on the board.

Sec. 3. (a) Each member of the board shall serve a term of four (4) years and until the member's successor is appointed and qualified.

(b) A member may not serve on the board for more than two (2) consecutive terms. An appointment to fill an unexpired term is not a complete term.

(c) All terms expire June 30.

Sec. 4. (a) The governor may remove a member at any time for incompetency, neglect of duty, or unprofessional conduct.

(b) A vacancy in the membership of the board shall be filled by an individual appointed by the governor for the unexpired term.

Sec. 5. (a) Each year, the board shall elect a member as chairperson and another member as vice chairperson.

(b) A member serving as chairperson or vice chairperson shall serve until the member's successor as chairperson or vice chairperson is elected.

(c) The chairperson shall preside at all meetings at which the chairperson is present. The vice chairperson shall preside at meetings in the absence of the chairperson and shall perform other duties as the chairperson directs.

(d) If the chairperson and vice chairperson are absent from a meeting of the board when a quorum exists, the members who are present may elect a presiding officer who shall serve as acting chairperson until the conclusion of the meeting or until the arrival of the chairperson or vice chairperson.

Sec. 6. The board shall meet at least four (4) times each calendar year upon the call of the chairperson or the written request of a majority of the members of the board.

Sec. 7. (a) Four (4) members of the board constitute a quorum.

(b) An affirmative vote of four (4) members of the board is necessary for the board to take official action.

Sec. 8. Each member of the board is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). Each member of the board is entitled to reimbursement for travel expenses as provided in IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

Sec. 9. The board shall do the following:

(1) Administer, coordinate, and enforce this article.



(2) Adopt rules under IC 4-22-2 for the administration and enforcement of this article.

(3) Prescribe the requirements for and the form of licenses issued or renewed under this article.

(4) Issue, deny, renew, suspend, or revoke licenses under this article.

(5) In accordance with IC 25-1-7, investigate and prosecute complaints involving licensees or unlicensed individuals the board has reason to believe should be licensed, including complaints concerning the failure to comply with this article or rules adopted under this article.

(6) Establish fees in accordance with IC 25-1-8.

(7) Inspect the records of a licensee in accordance with rules adopted by the board.

(8) Conduct or designate a board member or another representative to conduct public hearings on any matter for which a hearing is required under this article and to exercise all powers granted under IC 4-21.5.

(9) Maintain the board's records and files.

Sec. 10. As provided in IC 25-1-5, the licensing agency shall do the following:

(1) Carry out the administrative functions of the board.

(2) Provide necessary personnel to carry out the duties of this article.

Sec. 11. (a) Notwithstanding section 3 of this chapter, the initial terms of office of the members of the board appointed under section 2 of this chapter are as follows:

(1) One (1) member appointed under section 2(a)(1) of this chapter and one (1) member appointed under section 2(a)(5) of this chapter, four (4) years.

(2) One (1) member appointed under section 2(a)(2) of this chapter and one (1) member appointed under section 2(a)(4) of this chapter, three (3) years.

(3) One (1) member appointed under section 2(a)(1) of this chapter and one (1) member appointed under section 2(a)(3) of this chapter, two (2) years.

(4) One (1) member appointed under section 2(a)(2) of this chapter, one (1) year.

(b) The initial terms of the appointed members of the board begin July 1, 2016.

(c) This section expires July 1, 2021.

Chapter 4. Licensing Requirements



1 **Sec. 1. Beginning July 1, 2017, an individual may not perform**
 2 **or offer to perform electrical contracting without a license to**
 3 **perform electrical contracting issued by the board under this**
 4 **article.**

5 **Sec. 2. An application for a license to perform electrical**
 6 **contracting must be:**

- 7 (1) **made to the board on forms provided by the board; and**
- 8 (2) **accompanied by an application fee in the amount set by**
 9 **the board.**

10 **Sec. 3. Except as provided in section 6 of this chapter, an**
 11 **individual who applies for a license to perform electrical**
 12 **contracting must:**

- 13 (1) **furnish evidence satisfactory to the board showing that the**
 14 **individual is at least twenty-one (21) years of age;**

- 15 (2) **provide evidence that the individual:**

16 (A) **has completed at least twelve thousand (12,000) hours**
 17 **of practical experience in installing equipment and**
 18 **associated wiring related to a license under this article;**

19 **(B) has:**

- 20 (i) **received an electrical journeyman certificate from a**
 21 **BAT approved electrical apprenticeship program; and**
- 22 (ii) **completed at least ten thousand (10,000) hours of**
 23 **practical experience installing equipment and associated**
 24 **wiring related to a license under this article;**

25 **(C) has:**

- 26 (i) **received an associate's degree from a state accredited**
 27 **program in a field related to electrical contracting; and**
- 28 (ii) **completed at least eight thousand (8,000) practical**
 29 **hours of experience installing equipment and associated**
 30 **wiring related to a license under this article; or**

31 **(D) has:**

- 32 (i) **received a four (4) year degree in electrical**
 33 **engineering; and**
- 34 (ii) **completed at least four thousand (4,000) hours of**
 35 **experience installing equipment and associated wiring**
 36 **related to a license under this article; and**

- 37 (3) **pay the fee established by the board.**

38 **Sec. 4. An individual applying for a license to perform electrical**
 39 **contracting must apply on a form prescribed and provided by the**
 40 **board.**

41 **Sec. 5. An individual who is denied a license under this article**
 42 **has the remedies provided under IC 4-21.5.**



1 **Sec. 6. The board may grant a license to an applicant who:**

- 2 (1) submits satisfactory evidence to the board that the
3 applicant has been licensed to perform electrical contracting
4 in another state or country under qualifications that are
5 substantially equivalent to the qualifications for licensure
6 under this article; and
7 (2) pays the fee established by the board.

8 **Chapter 5. Renewal of License**

9 **Sec. 1. A license issued by the board is valid for two (2) years, as**
10 **provided in IC 25-1-2.**

11 **Sec. 2. An individual who applies to renew a license as an**
12 **electrical contractor shall:**

- 13 (1) file a renewal application with the board;
14 (2) pay a renewal fee established by the board; and
15 (3) meet any other requirements established by the board.

16 **Sec. 3. (a) Renewal notices must be sent in accordance with**
17 **IC 25-1-2-6.**

18 (b) The renewal fee must be paid in accordance with
19 **IC 25-1-8-2(d).**

20 **Sec. 4. (a) If an individual desires to discontinue the practice of**
21 **electrical contracting in Indiana, the individual may select inactive**
22 **status on the renewal form. The board may grant inactive status to**
23 **an individual if the individual:**

- 24 (1) does not profess to the public to possess a license under
25 this article;
26 (2) maintains continuing competency standards established by
27 the board; and
28 (3) pays a fee established by the board.

29 (b) The board may issue a license to the holder of an inactive
30 **license under this section if the applicant:**

- 31 (1) pays the renewal fee set by the board;
32 (2) pays the reinstatement fee set by the board; and
33 (3) meets competency standards set by the board.

34 **Chapter 6. Discipline and Violations**

35 **Sec. 1. The board may take disciplinary action against a licensee**
36 **for any of the following violations:**

- 37 (1) Violating this article or rules adopted by the board under
38 this article.
39 (2) Violating any of the standards of practice under
40 **IC 25-1-11.**

41 **Sec. 2. The procedures set forth in IC 4-21.5 govern the board's**
42 **conduct of disciplinary hearings.**



1 **Sec. 3. The board may summarily suspend a license under**
 2 **IC 25-1-11-13 for up to ninety (90) days before a final adjudication**
 3 **or during an appeal of the board's determination if the board finds**
 4 **that the licensee represents a clear and immediate danger to the**
 5 **public's health, safety, or property if the licensee is allowed to**
 6 **practice electrical contracting. The summary suspension may be**
 7 **renewed, upon a hearing before the board, for up to ninety (90)**
 8 **days.**

9 **Sec. 4. If the board believes that an individual not licensed**
 10 **under this article is engaged in activities for which a license is**
 11 **required under this article, the board shall take appropriate action**
 12 **under IC 25-1-7-14.**

13 **Sec. 5. In addition to the sanctions under IC 25-1-11-12, an**
 14 **individual who knowingly or intentionally:**

- 15 (1) performs or offers to perform electrical contracting
- 16 without being licensed or without being exempt from licensing
- 17 under Indiana law;
- 18 (2) presents as the individual's own the license of another;
- 19 (3) intentionally gives false or materially misleading
- 20 information of any kind to the board or to a board member in
- 21 connection with licensing matters;
- 22 (4) impersonates a licensee; or
- 23 (5) uses an expired, suspended, or revoked license;

24 **commits a Class B misdemeanor.**

25 **Sec. 6. An individual who applies for and is denied a license or**
 26 **a licensee who is aggrieved by an order or a determination of the**
 27 **board is entitled to a judicial review under IC 4-21.5.**

28 **Sec. 7. The attorney general shall act as the legal adviser for the**
 29 **board and provide any legal assistance necessary to carry out this**
 30 **article.**

31 **SECTION 10. IC 35-52-25-14.5 IS ADDED TO THE INDIANA**
 32 **CODE AS A NEW SECTION TO READ AS FOLLOWS**
 33 **[EFFECTIVE JULY 1, 2016]: Sec. 14.5. IC 25-14.7-6-5 defines a**
 34 **crime concerning electrical contracting.**

